IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.50 OF 2005
IN
WRIT PETITION NO 1877 OF 2004

BHARAT RADIATORS PVT.LTD.&ORS. ... PETITIONERS.
VS.
THE MUNICIPAL CORPORATION
OF GREATER MUMBAI & ORS. ... RESPONDENTS.

MR. ROHIT KAPADIA ALONGWITH SHEKHAR SHETYE AND NINA KAPADIA I/B. PANDYA GANDHI & CO. FOR THE PETITIONERS.
MRS. S.AJITHKUMAR I/B. S.H.UJJAINWALA & ORS.FOR RESPONDENT NO.1.
MR. R.M.SAWANT GOVT.PLEADER FOR THE STATE.

Coram : S.K.Shah, J.
Date : September 23, 2005.

P.C.:

1. By this contempt petition, the Petitioners allege that the Respondents have committed contempt of the Order passed by this Court on 28th June, 2004. Relevant part of the Order reads thus:-

> "..... However, considering the immediate need, we direct Respondent No.2 based on the statement made in this behalf to continue the existing storm water drainage facility. This arrangement will, however, be till 31st December, 2005, by which period the Respondent No.1 is directed to provide necessary drainage facility to the Petitioners for draining their storm water from their land to the municipal drains."

2. The grievance made by the Petitioner is that at several places this facility has been blocked. They pointed out the sketch drawn by them on page 23, Exhibit 'A' to this Petition , at points "A" to "B", "C" to "D", "D" to "G" etc. the blockages are created and therefore, the drain water is not flowing properly.

3. To this, the Respondents have filed affidavit in reply stating therein that the Storm Water drainage facility is in existence. The same is being provided. They have also filed photographs showing the availability of the Storm Water Drainage Facility..

4. Some dispute is tried to be raised on behalf of the Petitioner about existence of Nala and blockage of the Nala etc. However, we are not concerned with the same. The Order only speaks about providing facility of Storm Water Drainage. There is also an affidavit filed on behalf of the Respondents to that effect with Photographs showing the availability and existence of the said facility and hence, I am satisfied that the Storm Water Drainage Facility is in existence.

5. The dispute about existence of Nala etc., as submitted by the learned Counsel for the Respondents,

is an issue to be raised before the First Court in the Public Interest Litigation. In any event in this contempt petition, we are not concerned with the same. Since the Storm Water Drainage facility is being provided and the learned Counsel for the Respondents assures to provide the same till 31st December, 2005, as directed, I do not find any merit in this petition.

6. Contempt Petition is accordingly disposed of.

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[S.K.Shah , J.]